

BUCHANAN - 10/830,168  
Attorney Docket: P2004J011

### REMARKS

Claims 1-20 are currently pending. By this Amendment, claim 3 is amended and claims 19 and 20 are withdrawn from consideration as being directed to a non-elected invention. Claim 3 is amended to correct the dependency. No new matter is added. Reconsideration and withdrawal of the restriction requirement in view of the following remarks are respectfully requested.

In response to the Election/Restriction Requirement, dated July 15, 2005, Applicants hereby elect the invention of Group I, claims 1-18. This election is made with traverse. Applicants further elect Species E for examination. This election is also made with traverse. Claims 1-18 read on Species E. It respectfully submitted that claims 1-4, 11, 12, 17 and 18 are generic to all species. Upon allowance of the subject matter contained in any of these claims, applicants respectfully request that Species A, B, C and D be rejoined with this application.

It is respectfully submitted that the subject matter of Groups I and II is sufficiently related that a thorough search and examination of Group I would necessarily encompass the search and examination of Group II. Group I is directed to a separator for de-entraining liquid particles from an upwardly flowing gaseous stream and a distillation unit containing the separator. Group II is directed to a method of de-entraining liquid particles using a separator. The features of the separator set forth in independent Claim 1 are also disclosed in independent Claim 18. MPEP § 803 states "if the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Since the searches for Group I and Group II are overlapping in nature, a single search of all of the claimed subject matter can be made without serious burden. Additionally, applicants respectfully submit that there is no burden associated with searching all of the Species A, B, C, D and E in Group I. MPEP § 803 states that two criteria for a proper requirement for restriction between patentable distinct inventions: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the examiner if required. It is respectfully submitted that the search and examination can be made by the Examiner without serious burden and that the

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criteria for a proper requirement set forth in MPEP § 803 has not been met and that the Restriction Requirement should be withdrawn in order to avoid duplicative examination by the Patent Office and unnecessary expense to Applicants. A prompt and favorable action on the merits is respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 05-1330.

Respectfully Submitted,

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